

# Exhibit A

To: SCOTT N. SCHOOLS (South Carolina Bar No. 9990)

United States Attorney

JENNIFER S WANG (California Bar No. 233155)

Chief, Civil Division

Assistant United States Attorney

450 Golden Gate Avenue, Box 36055

San Francisco, California 94102-3495

Telephone: (415) 436-6967

Facsimile: (415) 436-6748

Email: jennifer.s.wang@usdoj.gov

Jeffrey W. Tam, Plaintiff

vs.

John E Potter, Defendant (s)

Postmaster General

United States Postal Services

**CASE NO. C07-02747 SI**

Request for document production

Plaintiff resides at:

Address 408 Yorkshire Road

City, State & Zip Code: Alameda, Ca 94501

Phone (510) 522-5534

Defendant is located at:

Address:

City, State & Zip Code: Washington, D.C. 20036

1 The driver run signed up sheet for year 2002, 2003 and 2005.

2 The name of the Promotion Board members and the results, "Who passed the promotion board for year 2001 and 2002."

3 The Form 991 of the promoted supervisor from year 2000 to 2003

4 The clock ring of Jeffrey Tam from 02/26/05 to 08/25/05

5 Bull Mail Assistant tour signed up sheet for year 2005.

6 Accident and medical report for Jeffrey Tam from 12/26/06

7 No Call In Policy for Overtime. "What did Mr. Chadha refer to when he said "No Call In Policy for Overtime:?"

8 The Year 2007 original annual leave signed up sheet, "I want to examine this sheet with the management."

**CASE NO. C07-02747 SI**

Request for document production

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he is an employee of the United States Postal Services. The undersigned certifies that this complaint is served by First Class Mail

To: SCOTT N. SCHOOLS (South Carolina Bar No. 9990)

United States Attorney

JOANN M. SWANSON (California Bar No. 88143)

Chief, Civil Division

Assistant United States Attorney

450 Golden Gate Avenue, Box 36055

San Francisco, California 94102-3495

Telephone: (415) 436-6967

Facsimile: (415) 436-6748

Email: jennifer.s.wang@usdoj.gov

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on October 2, 2007 at Alameda, California

  
Jeffrey W. Tam

Defendant

408 Yorkshire Road

Alameda, Ca 94501

# Exhibit B

SCOTT N. SCHOOLS (SCBN 9990)  
United States Attorney  
JOANN M. SWANSON (CSBN 88143)  
Chief, Civil Division  
JENNIFER S WANG (CSBN 233155)  
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102-3495  
Telephone: (415) 436-6967  
Facsimile: (415) 436-6748

Attorneys for Federal Defendant

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

JEFFREY W. TAM,

Plaintiff,

v.

JOHN E. POTTER,

Defendant.

No. 07-2747 SI

**DEFENDANT'S OBJECTIONS AND  
RESPONSES TO PLAINTIFF'S FIRST  
SET OF REQUESTS FOR  
PRODUCTION OF DOCUMENTS**

PROPOUNDING PARTY: PLAINTIFF JEFFREY W. TAM

RESPONDING PARTY: DEFENDANT

SET NO.: ONE

Pursuant to Federal Rule of Civil Procedure 34, defendant John E. Potter hereby objects and responds to plaintiff's first request for production of documents ("the Request").

**PRELIMINARY STATEMENT**

1. Defendant has made a diligent search and reasonable inquiry in an effort to respond to the Request. However, discovery is continuing and defendant's investigation into the facts relating to this litigation is ongoing and incomplete. Accordingly, defendant responds to the Request based on the information presently available to it and without prejudice to its right to amend or supplement its responses and present evidence that may hereafter be discovered or become available to it.

2. Inadvertent production of any document subject to any applicable privilege or doctrine, including, but not limited to, the attorney-client privilege and work product doctrine, is not intended to be, and shall not operate as, a waiver of any such privilege or doctrine, in whole or in part; nor is any such inadvertent production intended to be, nor shall it constitute, a waiver of the right to object to any use of such document, or of the information contained therein.

3. Defendant has made reasonable efforts to respond to the Request, to the extent it has not been objected to, as defendant understands and interprets the Request. If plaintiff subsequently asserts an interpretation of any request that differs from that of defendant, defendant reserves the right to supplement its objections and responses.

4. Defendant's responses are made without in any way intending to waive or waiving, but on the contrary, intended to preserve and preserving:

(a) The right to raise all questions of authenticity, foundation, relevancy, materiality, privilege and admissibility as evidence for any purpose of any information identified in response to the Request that may arise in any subsequent proceeding in, or the trial of, this or any other action.

(b) The right to object to the use of these responses in any subsequent proceeding in, or the trial of, this or any other action on any grounds;

(c) The right to object to the introduction into evidence of these responses; and

(d) The right to object on any ground at any time to the other requests for production or other discovery involving the subject matter thereof.

## GENERAL OBJECTIONS

**Defendant asserts the following objections to each request contained in the Request:**

A. Defendant objects to the each request to the extent it seeks documents that are not relevant to the claim or defense of any party, or that otherwise exceed the bounds of discovery set forth in Federal Rule of Civil Procedure 26.

B. Defendant objects to each request to the extent it is vague, ambiguous, compound, and/or unintelligible.

- 1 C. Defendant objects to each request to the extent it is repetitive, overly broad, and/or  
2 unduly burdensome.
- 3 D. Defendant objects to each request to the extent it seeks documents protected by  
4 any applicable privilege, including attorney-client privilege, government  
5 privileges such as the deliberative process privilege, and the work product  
6 doctrine.
- 7 E. Defendant objects to each request to the extent it seeks documents that are  
8 confidential and/or private.
- 9 F. Defendant objects to each request to the extent it seeks documents that are  
10 protected from disclosure by any applicable statute (including the Privacy Act),  
11 regulation or law, or the Constitution. Defendant has withheld information  
12 protected by disclosure by the Privacy Act and/or other applicable regulations and  
13 laws.
- 14 G. Defendant objects to each request to the extent it seeks documents not in  
15 defendant's possession, custody or control.
- 16 H. Defendant objects to each request to the extent it seeks documents in plaintiff's  
17 possession, custody, or control, documents already produced to plaintiff, and/or  
18 documents equally available to plaintiff from third parties.
- 19 I. Defendant objects to each request to the extent it lacks foundation/assumes facts  
20 not in evidence.
- 21 J. Defendant objects to each request to the extent it calls for a legal conclusion.
- 22 K. By making these responses or agreeing to produce any documents, defendant does  
23 not concede the documents are discoverable or the request is proper, or that the  
24 information sought is relevant. Further, by stating in these responses that it will  
25 produce documents, defendant does not represent that any document actually  
26 exists, but rather that defendant will make a reasonable, good faith search and  
27 attempt to ascertain whether any responsive documents do, in fact, exist.
- 28 L. Defendant reserves the right to amend or supplement these responses.

1 M. Except for explicit facts admitted herein, no admissions of any nature whatsoever  
2 are implied or should be inferred from these objections and responses.

3 N. Defendant incorporates all of the above objections into each response below. By  
4 raising any similar or different objections below, defendant does not waive any of  
5 its general objections.

6  
7 **RESPONSES TO REQUESTS**

8 **REQUEST NO. 1:**

9 The driver run signed up sheet for 2002, 2003, and 2005.

10 **RESPONSE TO REQUEST NO. 1:**

11 Defendant incorporates all general objections. Defendant further objects to the extent this  
12 request seeks documents that are irrelevant to the claims and defenses in this action. Defendant  
13 objects to this request as vague and ambiguous, especially as to the terms "driver run signed up  
14 sheet." Defendant objects to the extent this request seeks documents that are protected from  
15 disclosure by the Privacy Act. Defendant also objects to this request as overly broad, especially  
16 as to time, and unduly burdensome. Defendant also objects to the extent this request seeks  
17 documents that are protected by the attorney-client or work product privilege.

18 Subject to and without waiving the foregoing objections and based on defendant's  
19 understanding of this request, defendant responds as follows: Defendant has produced or will  
20 produce the tractor/trailer bid assignments for 2005. Defendant no longer possesses copies of the  
21 bid assignments for 2002 and 2003.

22 **REQUEST NO. 2:**

23 The name of the Promotion Board members and the results, "Who passed the Promotion  
24 Board for year 2001 and 2002."

25 **RESPONSE TO REQUEST NO. 2:**

26 Defendant incorporates all general objections. Defendant further objects to the extent this  
27 request seeks documents that are irrelevant to the claims and defenses in this action. Defendant  
28 also objects that this request seeks not documents but information, and is therefore beyond the



1 scope of Rule 34. Defendant objects to this request as vague and ambiguous, especially as to the  
2 terms "the results," "the name of the Promotion Board members," and "who passed the  
3 Promotion Board." Defendant objects to the extent this request seeks documents that are  
4 protected from disclosure by the Privacy Act. Defendant also objects to this request as overly  
5 broad, both in time and in subject matter, and unduly burdensome. Defendant also objects to the  
6 extent this request seeks documents that are protected by the attorney-client or work product  
7 privilege.

8 Subject to and without waiving the foregoing objections and based on defendant's  
9 understanding of this request, defendant responds as follows: Based on the foregoing objections,  
10 defendant will not respond to this request. Defendant does not have sufficient information to  
11 determine the applicable Promotion Board or the Postal Service position referenced in the  
12 request.

13 REQUEST NO. 3:

14 The Form 991 of the promoted supervisor from year 2000 to 2003.

15 RESPONSE TO REQUEST NO. 3:

16 Defendant incorporates all general objections. Defendant further objects to the extent this  
17 request seeks documents that are irrelevant to the claims and defenses in this action. Defendant  
18 objects to this request as vague and ambiguous, especially as to the term "the promoted  
19 supervisor." Defendant objects to the extent this request seeks documents that are protected from  
20 disclosure by the Privacy Act. Defendant also objects to this request as overly broad, as to both  
21 time and subject matter, and unduly burdensome. Defendant also objects to the extent this  
22 request seeks documents that are protected by the attorney-client or work product privilege.

23 Subject to and without waiving the foregoing objections and based on defendant's  
24 understanding of this request, defendant responds as follows: Based on the foregoing objections,  
25 defendant will not respond to this request. Defendant does not have sufficient information to  
26 determine what supervisor is referenced in the request.

27 REQUEST NO. 4:

28 The clock ring of Jeffrey Tam from 2/28/05 to 8/25/05.

1 RESPONSE TO REQUEST NO. 4:

2 Defendant incorporates all general objections. Defendant further objects to the extent this  
3 request seeks documents that are irrelevant to the claims and defenses in this action. Defendant  
4 objects to this request as vague and ambiguous, especially as to the term "clock ring." Defendant  
5 also objects to this request as overly broad, especially as to time, and unduly burdensome.  
6 Defendant also objects to the extent this request seeks documents that are protected by the  
7 attorney-client or work product privilege.

8 Subject to and without waiving the foregoing objections and based on defendant's  
9 understanding of this request, defendant responds as follows: Defendant has produced or will  
10 produce all non-privileged, responsive documents in its control, custody or possession.

11 REQUEST NO. 5:

12 Bull Mail Assistant tour signed up sheet for year 2005.

13 RESPONSE TO REQUEST NO. 5:

14 Defendant incorporates all general objections. Defendant further objects to the extent this  
15 request seeks documents that are irrelevant to the claims and defenses in this action. Defendant  
16 objects to this request as vague and ambiguous, especially as to the terms "bull mail" and "signed  
17 up sheet." Defendant also objects to this request as overly broad, especially as to time, and  
18 unduly burdensome. Defendant also objects to the extent this request seeks documents that are  
19 protected by the attorney-client or work product privilege.

20 Subject to and without waiving the foregoing objections and based on defendant's  
21 understanding of this request, defendant responds as follows: Defendant has produced or will  
22 produce all non-privileged, responsive documents in its control, custody or possession.

23 REQUEST NO. 6:

24 Accident and medical report for Jeffrey Tam for 12/26/06.

25 RESPONSE TO REQUEST NO.6:

26 Defendant incorporates all general objections. Defendant further objects to the extent this  
27 request seeks documents that are irrelevant to the claims and defenses in this action. Defendant  
28 objects to this request as vague and ambiguous. Defendant also objects to this request as overly

1 broad, especially as to time. Defendant also objects to the extent this request seeks documents  
2 that are protected by the attorney-client or work product privilege.

3 Subject to and without waiving the foregoing objections and based on defendant's  
4 understanding of this request, defendant responds as follows: Defendant is still in the process of  
5 determining whether such a report exists and will supplement its response as necessary.

6 REQUEST NO. 7:

7 No Call in Policy for Overtime. "What did Mr. Chadha refer to when he said "No call in  
8 policy for overtime?"

9 RESPONSE TO REQUEST NO. 7:

10 Defendant incorporates all general objections. Defendant further objects to the extent this  
11 request seeks documents that are irrelevant to the claims and defenses in this action. Defendant  
12 objects to this request as vague and ambiguous, especially as to the term "no call in policy for  
13 overtime." Defendant further objects that this request seeks not documents but information, and  
14 is therefore beyond the scope of Rule 34. Defendant also objects to this request as overly broad,  
15 as to both time and subject matter, and unduly burdensome. Defendant also objects to the extent  
16 this request seeks documents that are protected by the attorney-client or work product privilege.

17 Subject to and without waiving the foregoing objections and based on defendant's  
18 understanding of this request, defendant responds as follows: Mr. Chadha wrote a letter in 2002  
19 to all supervisors, advising them that they should not call employees at home to request that they  
20 work overtime. There was no agreement with the union to call employees at home to request  
21 overtime work. Defendant is in the process of locating that letter and will supplement its  
22 responses as necessary.

23 REQUEST NO. 8:

24 The Year 2007 original annual leave signed up sheet, "I want to examine this sheet with  
25 management."

26 RESPONSE TO REQUEST NO. 8:

27 Defendant incorporates all general objections. Defendant further objects to the extent  
28 this request seeks documents that are irrelevant to the claims and defenses in this action.


1 Defendant objects to this request as vague and ambiguous, especially as to the term "original  
2 annual leave signed up." Defendant also objects to this request as overly broad, especially as to  
3 time, and unduly burdensome. Defendant further objects that this request seeks not documents  
4 but information, and is therefore beyond the scope of Rule 34. Defendant also objects to the  
5 extent this request seeks documents that are protected by the attorney-client or work product  
6 privilege.

7 Subject to and without waiving the foregoing objections and based on defendant's  
8 understanding of this request, defendant responds as follows: Based on the foregoing objections,  
9 defendant is currently trying determine whether such a document exists, and will supplement its  
10 responsive as necessary.

11  
12 Respectfully submitted,

13 SCOTT N. SCHOOLS  
14 United States Attorney

15 Dated: November 5, 2007

16   
17 JENNIFER S. WANG  
18 Assistant United States Attorney  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she is causing a copy of the following:

**DEFENDANT'S OBJECTIONS AND RESPONSES TO PLAINTIFF'S  
FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**

Jeffrey W. Tam v. John E. Potter  
Case No. CV 07-2747 JCS

to be served this date upon the party in this action by placing a true copy thereof in a sealed envelope, and served as follows:

\_\_\_\_ **FIRST CLASS MAIL** by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.

\_\_\_\_ **CERTIFIED MAIL (# )** by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.

\_\_\_\_ **ELECTRONIC MAIL**

**X** **FEDERAL EXPRESS**

\_\_\_\_ **FACSIMILE (FAX)** Telephone No.: See Below

to the party(ies) addressed as follows:

Jeffrey W Tam  
408 Yorkshire Road  
Alameda, CA 94501  
(510) 522-5534  
PRO SE

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on November 5, 2007 at San Francisco, California.

  
\_\_\_\_\_  
**BONNY WONG**  
Legal Assistant

# Exhibit C

SCOTT N. SCHOOLS (SCBN 9990)  
United States Attorney  
JOANN M. SWANSON (CSBN 88143)  
Chief, Civil Division  
JENNIFER S WANG (CSBN 233155)  
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102-3495  
Telephone: (415) 436-6967  
Facsimile: (415) 436-6748

Attorneys for Federal Defendant

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

JEFFREY W. TAM,

Plaintiff,

v.

JOHN E. POTTER,

Defendant.

No. 07-2747 SI

**DEFENDANT'S FIRST AMENDED  
OBJECTIONS AND RESPONSES TO  
PLAINTIFF'S FIRST SET OF  
REQUESTS FOR PRODUCTION OF  
DOCUMENTS**

PROPOUNDING PARTY: PLAINTIFF JEFFREY W. TAM

RESPONDING PARTY: DEFENDANT

SET NO.: ONE

Pursuant to Federal Rule of Civil Procedure 34, defendant John E. Potter hereby provides amended objections and responses to plaintiff's first request for production of documents ("the Request").

**PRELIMINARY STATEMENT**

1. Defendant has made a diligent search and reasonable inquiry in an effort to respond to the Request. However, discovery is continuing and defendant's investigation into the facts relating to this litigation is ongoing and incomplete. Accordingly, defendant responds to the Request based on the information presently available to it and without prejudice to its right to amend or

1 supplement its responses and present evidence that may hereafter be discovered or become  
2 available to it.

3 2. Inadvertent production of any document subject to any applicable privilege or doctrine,  
4 including, but not limited to, the attorney-client privilege and work product doctrine, is not  
5 intended to be, and shall not operate as, a waiver of any such privilege or doctrine, in whole or in  
6 part; nor is any such inadvertent production intended to be, nor shall it constitute, a waiver of the  
7 right to object to any use of such document, or of the information contained therein.

8 3. Defendant has made reasonable efforts to respond to the Request, to the extent it has not  
9 been objected to, as defendant understands and interprets the Request. If plaintiff subsequently  
10 asserts an interpretation of any request that differs from that of defendant, defendant reserves the  
11 right to supplement its objections and responses.

12 4. Defendant's responses are made without in any way intending to waive or waiving, but on  
13 the contrary, intended to preserve and preserving:

14 (a) The right to raise all questions of authenticity, foundation, relevancy, materiality,  
15 privilege and admissibility as evidence for any purpose of any information identified in response  
16 to the Request that may arise in any subsequent proceeding in, or the trial of, this or any other  
17 action.

18 (b) The right to object to the use of these responses in any subsequent proceeding in, or  
19 the trial of, this or any other action on any grounds;

20 (c) The right to object to the introduction into evidence of these responses; and

21 (d) The right to object on any ground at any time to the other requests for production or  
22 other discovery involving the subject matter thereof.

### 23 **GENERAL OBJECTIONS**

24 Defendant asserts the following objections to each request contained in the Request:

25 A. Defendant objects to each request to the extent it seeks documents that are not  
26 relevant to the claim or defense of any party, or that otherwise exceed the bounds  
27 of discovery set forth in Federal Rule of Civil Procedure 26.  
28



- 1 B. Defendant objects to each request to the extent it is vague, ambiguous, compound,  
2 and/or unintelligible.
- 3 C. Defendant objects to each request to the extent it is repetitive, overly broad, and/or  
4 unduly burdensome.
- 5 D. Defendant objects to each request to the extent it seeks documents protected by  
6 any applicable privilege, including attorney-client privilege, government  
7 privileges such as the deliberative process privilege, and the work product  
8 doctrine.
- 9 E. Defendant objects to each request to the extent it seeks documents that are  
10 confidential and/or private.
- 11 F. Defendant objects to each request to the extent it seeks documents that are  
12 protected from disclosure by any applicable statute (including the Privacy Act),  
13 regulation or law, or the Constitution. Defendant has withheld information  
14 protected by disclosure by the Privacy Act and/or other applicable regulations and  
15 laws.
- 16 G. Defendant objects to each request to the extent it seeks documents not in  
17 defendant's possession, custody or control.
- 18 H. Defendant objects to each request to the extent it seeks documents in plaintiff's  
19 possession, custody, or control, documents already produced to plaintiff, and/or  
20 documents equally available to plaintiff from third parties.
- 21 I. Defendant objects to each request to the extent it lacks foundation/assumes facts  
22 not in evidence.
- 23 J. Defendant objects to each request to the extent it calls for a legal conclusion.
- 24 K. By making these responses or agreeing to produce any documents, defendant does  
25 not concede the documents are discoverable or the request is proper, or that the  
26 information sought is relevant. Further, by stating in these responses that it will  
27 produce documents, defendant does not represent that any document actually  
28

exists, but rather that defendant will make a reasonable, good faith search and attempt to ascertain whether any responsive documents do, in fact, exist.

L. Defendant reserves the right to amend or supplement these responses.

M. Except for explicit facts admitted herein, no admissions of any nature whatsoever are implied or should be inferred from these objections and responses.

N. Defendant incorporates all of the above objections into each response below. By raising any similar or different objections below, defendant does not waive any of its general objections.

### **RESPONSES TO REQUESTS**

#### **REQUEST NO. 1:**

The driver run signed up sheet for 2002, 2003, and 2005.

#### **RESPONSE TO REQUEST NO. 1:**

Defendant incorporates all general objections. Defendant further objects to the extent this request seeks documents that are irrelevant to the claims and defenses in this action. Defendant objects to this request as vague and ambiguous, especially as to the terms "driver run signed up sheet." Defendant objects to the extent this request seeks documents that are protected from disclosure by the Privacy Act. Defendant also objects to this request as overly broad, especially as to time, and unduly burdensome. Defendant also objects to the extent this request seeks documents that are protected by the attorney-client or work product privilege.

Subject to and without waiving the foregoing objections and based on defendant's understanding of this request, defendant responds as follows: Defendant has produced or will produce the tractor/trailer bid assignments for 2005. Defendant has located a copy of the 2002 bid assignment and has produced a copy to plaintiff. Defendant no longer possesses copies of the bid assignments for 2003.

#### **REQUEST NO. 2:**

The name of the Promotion Board members and the results, "Who passed the Promotion Board for year 2001 and 2002."

1 RESPONSE TO REQUEST NO. 2:

2 Defendant incorporates all general objections. Defendant further objects to the extent this  
3 request seeks documents that are irrelevant to the claims and defenses in this action. Defendant  
4 also objects that this request seeks not documents but information, and is therefore beyond the  
5 scope of Rule 34. Defendant objects to this request as vague and ambiguous, especially as to the  
6 terms "the results," "the name of the Promotion Board members," and "who passed the  
7 Promotion Board." Defendant objects to the extent this request seeks documents that are  
8 protected from disclosure by the Privacy Act. Defendant also objects to this request as overly  
9 broad, both in time and in subject matter, and unduly burdensome. Defendant also objects to the  
10 extent this request seeks documents that are protected by the attorney-client or work product  
11 privilege.

12 Subject to and without waiving the foregoing objections and based on defendant's  
13 understanding of this request, defendant responds as follows: Defendant has produced the  
14 promotion package from September 2003. Defendant has located no other non-privileged  
15 documents responsive to this request.

16 REQUEST NO. 3:

17 The Form 991 of the promoted supervisor from year 2000 to 2003.

18 RESPONSE TO REQUEST NO. 3:

19 Defendant incorporates all general objections. Defendant further objects to the extent this  
20 request seeks documents that are irrelevant to the claims and defenses in this action. Defendant  
21 objects to this request as vague and ambiguous, especially as to the term "the promoted  
22 supervisor." Defendant objects to the extent this request seeks documents that are protected from  
23 disclosure by the Privacy Act. Defendant also objects to this request as overly broad, as to both  
24 time and subject matter, and unduly burdensome. Defendant also objects to the extent this  
25 request seeks documents that are protected by the attorney-client or work product privilege.

26 Subject to and without waiving the foregoing objections and based on defendant's  
27 understanding of this request, defendant responds as follows: Defendant has produced the  
28

1 promotion package from September 2003. Defendant has located no other non-privileged  
2 documents responsive to this request.

3 REQUEST NO. 4:

4 The clock ring of Jeffrey Tam from 2/28/05 to 8/25/05.

5 RESPONSE TO REQUEST NO. 4:

6 Defendant incorporates all general objections. Defendant further objects to the extent this  
7 request seeks documents that are irrelevant to the claims and defenses in this action. Defendant  
8 objects to this request as vague and ambiguous, especially as to the term "clock ring." Defendant  
9 also objects to this request as overly broad, especially as to time, and unduly burdensome.  
10 Defendant also objects to the extent this request seeks documents that are protected by the  
11 attorney-client or work product privilege.

12 Subject to and without waiving the foregoing objections and based on defendant's  
13 understanding of this request, defendant responds as follows: Defendant has produced or will  
14 produce all non-privileged, responsive documents in its control, custody or possession.

15 REQUEST NO. 5:

16 Bull Mail Assistant tour signed up sheet for year 2005.

17 RESPONSE TO REQUEST NO. 5:

18 Defendant incorporates all general objections. Defendant further objects to the extent this  
19 request seeks documents that are irrelevant to the claims and defenses in this action. Defendant  
20 objects to this request as vague and ambiguous, especially as to the terms "bull mail" and "signed  
21 up sheet." Defendant also objects to this request as overly broad, especially as to time, and  
22 unduly burdensome. Defendant also objects to the extent this request seeks documents that are  
23 protected by the attorney-client or work product privilege.

24 Subject to and without waiving the foregoing objections and based on defendant's  
25 understanding of this request, defendant responds as follows: Defendant has produced or will  
26 produce all non-privileged, responsive documents in its control, custody or possession.

27 REQUEST NO. 6:

28 Accident and medical report for Jeffrey Tam for 12/26/06.

1 RESPONSE TO REQUEST NO.6:

2 Defendant incorporates all general objections. Defendant further objects to the extent this  
3 request seeks documents that are irrelevant to the claims and defenses in this action. Defendant  
4 objects to this request as vague and ambiguous. Defendant also objects to this request as overly  
5 broad, especially as to time. Defendant also objects to the extent this request seeks documents  
6 that are protected by the attorney-client or work product privilege.

7 Subject to and without waiving the foregoing objections and based on defendant's  
8 understanding of this request, defendant responds as follows: Defendant has produced a copy of  
9 an Authorization for Medical Attention dated October 11, 2007. Defendant has located no other  
10 non-privileged documents responsive to this request.

11 REQUEST NO. 7:

12 No Call in Policy for Overtime. "What did Mr. Chadha refer to when he said "No call in  
13 policy for overtime?"

14 RESPONSE TO REQUEST NO. 7:

15 Defendant incorporates all general objections. Defendant further objects to the extent this  
16 request seeks documents that are irrelevant to the claims and defenses in this action. Defendant  
17 objects to this request as vague and ambiguous, especially as to the term "no call in policy for  
18 overtime." Defendant further objects that this request seeks not documents but information, and  
19 is therefore beyond the scope of Rule 34. Defendant also objects to this request as overly broad,  
20 as to both time and subject matter, and unduly burdensome. Defendant also objects to the extent  
21 this request seeks documents that are protected by the attorney-client or work product privilege.

22 Subject to and without waiving the foregoing objections and based on defendant's  
23 understanding of this request, defendant responds as follows: Mr. Chadha wrote a letter in 2003  
24 to all supervisors, advising them that they should not call employees at home to request that they  
25 work overtime. There was no agreement with the union to call employees at home to request  
26 overtime work. Defendant has produced a copy of Mr. Chadha's 2003 email.

27 REQUEST NO. 8:

1 The Year 2007 original annual leave signed up sheet, "I want to examine this sheet with  
2 management."

3 RESPONSE TO REQUEST NO. 8:

4 Defendant incorporates all general objections. Defendant further objects to the extent  
5 this request seeks documents that are irrelevant to the claims and defenses in this action.  
6 Defendant objects to this request as vague and ambiguous, especially as to the term "original  
7 annual leave signed up." Defendant also objects to this request as overly broad, especially as to  
8 time, and unduly burdensome. Defendant further objects that this request seeks not documents  
9 but information, and is therefore beyond the scope of Rule 34. Defendant also objects to the  
10 extent this request seeks documents that are protected by the attorney-client or work product  
11 privilege.

12 Subject to and without waiving the foregoing objections and based on defendant's  
13 understanding of this request, defendant responds as follows: Defendant has produced all non-  
14 privileged documents responsive to this request.

15  
16 Respectfully submitted,

17 SCOTT N. SCHOOLS  
18 United States Attorney

19 Dated: December 21, 2007

20   
21 JENNIFER S. WANG  
22 Assistant United States Attorney  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that on December 21, 2007, she caused a copy of:

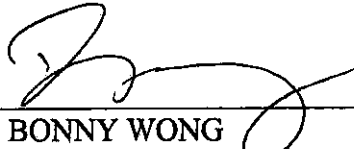
**DEFENDANT'S FIRST AMENDED OBJECTIONS AND RESPONSES TO  
PLAINTIFF'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**

to be served by mail upon the person at the place and address(es) stated below, which is the last known address:

Jeffrey W. Tam 408 Yorkshire Road Alameda, CA 94501 (510) 522-5534	
---	--

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: December 21, 2007

  
\_\_\_\_\_  
BONNY WONG  
Legal Assistant

# Exhibit D



1 Jeffrey W. Tam  
2 408 Yorkshire Road  
3 Alameda, Ca 94501  
4  
5

6 January 28, 2008  
7

8 SCOTT N. SCHOOLS (SCBN 9990)  
9 United States Attorney  
10 JOANN M. SWANSON (CSBN 88143)  
11 Chief, Civil Division  
12 JENNIFER S WANG (CSBN 233155)  
13 Assistant United States Attorney  
14

15 450 Golden Gate Avenue, Box 36055  
16 San Francisco, California 94102-3495  
17 Tel: (415) 436-6967  
18 Fax: (415) 436-6748  
19

20 UNITED STATES DISTRICT COURT  
21 NORTHERN DISTRICT OF CALIFORNIA  
22 SAN FRANCISCO DIVISON  
23

24 JEFFREY W. TAM  
25 Plaintiff  
26 v.  
27 JOHN E. POTTER  
28 Defendant  
29  
30

No. 07-2747 SI  
PLAINTIFF'S FIFTH SET OF REQUESTS  
FOR PRODUCTION OF DOCUMENTS

31 Re: Jeffrey W. Tam v. John E. Potter, Postmaster General, United States Postal Services  
32 C07-02747 SI  
33

34 Ms. Jennifer Wang,  
35

36 Please provide the following:

- 37 20 A list of applicant's name for the supervisor promotion provided by the Postal Service  
38 Personnel Department for year 1999, 2000, 2001, 2002 & 2003.  
39 21 A list of applicant's name who are selected by the board for the supervisor promotion  
40 for year 1999, 2000, 2001, 2002 & 2003.  
41  
42  
43  
44

1 **CASE NO. 07-02747 SI**

2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he is an employee of the United States Postal Services. The undersigned certifies that this complaint is served by First Class Mail.

SCOTT N. SCHOOLS (SCBN 9990)  
United States Attorney  
JOANN M. SWANSON (CSBN 88143)  
Chief, Civil Division  
JENNIFER S WANG (CSBN 233155)  
Assistant United States Attorney  
450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102-3495

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.  
Executed on January 28, 2008 at Alameda, California

  
Jeffrey W. Tam

408 Yorkshire Road  
Alameda, Ca 94501

# Exhibit E

JOSEPH P. RUSSONIELLO (CSBN 44332)  
United States Attorney  
JOANN M. SWANSON (CSBN 88143)  
Chief, Civil Division  
JENNIFER S WANG (CSBN 233155)  
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102-3495  
Telephone: (415) 436-6967  
Facsimile: (415) 436-6748

Attorneys for Federal Defendant

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

JEFFREY W. TAM,

Plaintiff,

v.

JOHN E. POTTER,

Defendant.

No. 07-2747 SI

**DEFENDANT'S OBJECTIONS AND  
RESPONSES TO PLAINTIFF'S FIFTH  
SET OF REQUESTS FOR  
PRODUCTION OF DOCUMENTS**

PROPOUNDING PARTY: PLAINTIFF JEFFREY W. TAM

RESPONDING PARTY: DEFENDANT

SET NO.: FIVE

Pursuant to Federal Rule of Civil Procedure 34, defendant John E. Potter hereby objects and responds to plaintiff's fifth request for production of documents ("the Request").

**PRELIMINARY STATEMENT**

1. Defendant has made a diligent search and reasonable inquiry in an effort to respond to the Request. However, discovery is continuing and defendant's investigation into the facts relating to this litigation is ongoing and incomplete. Accordingly, defendant responds to the Request based on the information presently available to it and without prejudice to its right to amend or supplement its responses and present evidence that may hereafter be discovered or become available to it.

1 2. Inadvertent production of any document subject to any applicable privilege or doctrine,  
2 including, but not limited to, the attorney-client privilege and work product doctrine, is not  
3 intended to be, and shall not operate as, a waiver of any such privilege or doctrine, in whole or in  
4 part; nor is any such inadvertent production intended to be, nor shall it constitute, a waiver of the  
5 right to object to any use of such document, or of the information contained therein.

6 3. Defendant has made reasonable efforts to respond to the Request, to the extent it has not  
7 been objected to, as defendant understands and interprets the Request. If plaintiff subsequently  
8 asserts an interpretation of any request that differs from that of defendant, defendant reserves the  
9 right to supplement its objections and responses.

10 4. Defendant's responses are made without in any way intending to waive or waiving, but on  
11 the contrary, intended to preserve and preserving:

12 (a) The right to raise all questions of authenticity, foundation, relevancy, materiality,  
13 privilege and admissibility as evidence for any purpose of any information identified in response  
14 to the Request that may arise in any subsequent proceeding in, or the trial of, this or any other  
15 action.

16 (b) The right to object to the use of these responses in any subsequent proceeding in, or  
17 the trial of, this or any other action on any grounds;

18 (c) The right to object to the introduction into evidence of these responses; and

19 (d) The right to object on any ground at any time to the other requests for production or  
20 other discovery involving the subject matter thereof.

### 21 GENERAL OBJECTIONS

22 Defendant asserts the following objections to each request contained in the Request:

23 A. Defendant objects to each request to the extent it seeks documents that are not  
24 relevant to the claim or defense of any party, or that otherwise exceed the bounds  
25 of discovery set forth in Federal Rule of Civil Procedure 26.

26 B. Defendant objects to each request to the extent it is vague, ambiguous, compound,  
27 and/or unintelligible.

- 1 C. Defendant objects to each request to the extent it is repetitive, overly broad, and/or  
2 unduly burdensome.
- 3 D. Defendant objects to each request to the extent it seeks documents protected by  
4 any applicable privilege, including attorney-client privilege, government  
5 privileges such as the deliberative process privilege, and the work product  
6 doctrine.
- 7 E. Defendant objects to each request to the extent it seeks documents that are  
8 confidential and/or private.
- 9 F. Defendant objects to each request to the extent it seeks documents that are  
10 protected from disclosure by any applicable statute (including the Privacy Act),  
11 regulation or law, or the Constitution. Defendant has withheld information  
12 protected by disclosure by the Privacy Act and/or other applicable regulations and  
13 laws.
- 14 G. Defendant objects to each request to the extent it seeks documents not in  
15 defendant's possession, custody or control.
- 16 H. Defendant objects to each request to the extent it seeks documents in plaintiff's  
17 possession, custody, or control, documents already produced to plaintiff, and/or  
18 documents equally available to plaintiff from third parties.
- 19 I. Defendant objects to each request to the extent it lacks foundation/assumes facts  
20 not in evidence.
- 21 J. Defendant objects to each request to the extent it calls for a legal conclusion.
- 22 K. By making these responses or agreeing to produce any documents, defendant does  
23 not concede the documents are discoverable or the request is proper, or that the  
24 information sought is relevant. Further, by stating in these responses that it will  
25 produce documents, defendant does not represent that any document actually  
26 exists, but rather that defendant will make a reasonable, good faith search and  
27 attempt to ascertain whether any responsive documents do, in fact, exist.
- 28 L. Defendant reserves the right to amend or supplement these responses.

1 M. Except for explicit facts admitted herein, no admissions of any nature whatsoever  
2 are implied or should be inferred from these objections and responses.

3 N. Defendant incorporates all of the above objections into each response below. By  
4 raising any similar or different objections below, defendant does not waive any of  
5 its general objections.  
6

7 **RESPONSES TO REQUESTS**

8 **REQUEST NO. 20:**

9 A list of applicant's name for the supervisor promotion provided by the Postal Service  
10 Personnel Department for year 1999, 2000, 2001, 2002 & 2003.

11 **RESPONSE TO REQUEST NO. 20:**

12 Defendant incorporates all general objections. Defendant objects that this request seeks  
13 not documents but information, and is therefore beyond the scope of Rule 34. Defendant further  
14 objects that this request is duplicative of Requests number 2 and 3, and Interrogatory number 1.  
15 Defendant further objects to the extent this request seeks documents that are irrelevant to the  
16 claims and defenses in this action. Defendant objects to this request as vague and ambiguous,  
17 especially as to the phrases "for the supervisor promotion," and "provided by . . . for year 1999,  
18 2000, 2001, 2002 & 2003." Defendant also objects to this request as overly broad and unduly  
19 burdensome. Defendant objects to each request to the extent it seeks documents in plaintiff's  
20 possession, custody, or control, and/or documents equally available to plaintiff from third parties.  
21 Defendant also objects to the extent this request seeks documents that are protected by the  
22 attorney-client or work product privilege.

23 Subject to and without waiving the foregoing objections and based on defendant's  
24 understanding of this request, defendant responds as follows: Defendant understands plaintiff's  
25 request to refer to applicants for promotions to supervisor of transportation positions posted on  
26 November 10, 1999; January 31, 2000; March 6, 2001; January 15, 2002; and September 10,  
27 2003. Pursuant to defendant's retention period for promotion packages, defendant no longer  
28 possesses application materials related to the November 1999; January 2000; March 2001; or

January 2002 postings for promotions to supervisor of transportation. Defendant has produced information related to the September 10, 2003 posting for promotion to supervisor of transportation, and refers plaintiff to documents bates stamped USPS0605 to USPS0683. Defendant has located no other non-privileged documents responsive to this request.

REQUEST NO. 21:

A list of applicant's name who are selected by the board for the supervisor promotion for year 1999, 2000, 2001, 2002 & 2003.

RESPONSE TO REQUEST NO. 21:

Defendant incorporates all general objections. Defendant objects that this request seeks not documents but information, and is therefore beyond the scope of Rule 34. Defendant further objects that this request is duplicative of Requests number 2 and 3, and Interrogatory number 1. Defendant further objects to the extent this request seeks documents that are irrelevant to the claims and defenses in this action. Defendant objects to this request as vague and ambiguous especially as to the phrases "who are selected by the board," and "the supervisor promotion." Defendant also objects to this request as overly broad and unduly burdensome. Defendant objects to each request to the extent it seeks documents in plaintiff's possession, custody, or control, and/or documents equally available to plaintiff from third parties. Defendant also objects to the extent this request seeks documents that are protected by the attorney-client or work product privilege.

Subject to and without waiving the foregoing objections and based on defendant's understanding of this request, defendant responds as follows: Defendant understands plaintiff's request to refer to applicants for promotions to supervisor of transportation positions posted on November 10, 1999; January 31, 2000; March 6, 2001; January 15, 2002; and September 10, 2003. Pursuant to defendant's retention period for promotion packages, defendant no longer possesses application materials related to the November 1999; January 2000; March 2001; or January 2002 postings for promotions to supervisor of transportation. Defendant has produced information related to the September 10, 2003 posting for promotion to supervisor of transportation, and refers plaintiff to documents bates stamped USPS0605 to USPS0683.

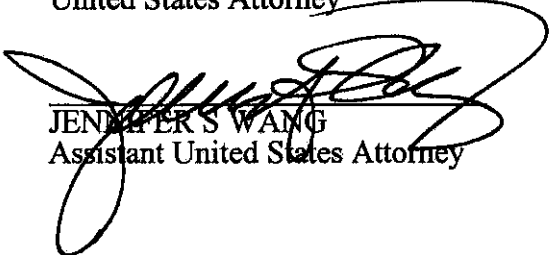


1 Defendant has located no other non-privileged documents responsive to this request.  
2

3 Respectfully submitted,

4 JOSEPH R. RUSSONIELLO  
5 United States Attorney

6 Dated: February 29, 2008

7   
8 JENNIFER S. WANG  
9 Assistant United States Attorney  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that on February 29, 2008 she caused a copy of:

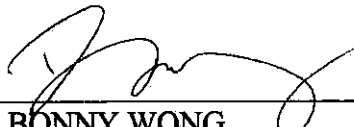
**DEFENDANT'S OBJECTIONS AND RESPONSES TO PLAINTIFF'S FIFTH SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**

to be served by mail upon the person at the place and address(es) stated below, which is the last known address:

Jeffrey W. Tam 408 Yorkshire Road Alameda, CA 94501 (510) 522-5534	
---	--

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: February 29, 2008

  
BONNY WONG  
Legal Assistant